

REMARKS

Claims 1-31 are pending in the application. Claims 1, 5, 8, 16, 19, and 22 are independent. By the foregoing Amendment, Applicant seeks to amend claim 1 and add claims 30 and 31. It is believed that these changes introduce no new matter and their entry is respectfully requested.

Restriction/Election Requirement

In the present Office Action, the Examiner required Applicants to cancel claims 5-29 because Applicants elected these claims *without traverse* in the Paper filed February 22, 2005. The Examiner cited MPEP §821.01 (Treatment of Claims Held to be Drawn to Nonelected Inventions after Election with Traverse) as the basis for the requirement. Applicants respectfully traverse the requirement.

Applicants respectfully submit that MPEP §821.01 is not applicable to the present application, but that MPEP §821.02 (Treatment of Claims Held to be Drawn to Nonelected Inventions After Election Without Traverse) applies to the present application. For example, in the Office Action dated November 9, 2004 the Examiner made a Restriction/Election Requirement, requiring Applicants to elect either Group I, claims 1-4, Group II, claims 5-15, Group III, claims 16-18, or Group IV, claims 19-29. In the Response to the Restriction/Election Requirement, *Applicants elected* Group I, claims 1-4, *without traverse*. In the present Office Action, the *Examiner acknowledged* Applicants' *election* Group II, claims 1-4 *without traverse*. Thus Applicants respectfully submit that MPEP §821.02 applies to the present application.

Applicants respectfully submit that under MPEP §821.02 non-elected claims need not be canceled because MPEP §821.02 does not require cancellation of non-elected claims when the election was without traverse. Thus *claims 5-29 need not be canceled* in response to the Final Rejection. MPEP §821.02 provides that such cancellation can be accomplished by Examiner's Amendment when the application is allowed. Accordingly, Applicants respectfully requests that the Examiner reconsider and remove the requirement that Applicants cancel claims 5-29.

Rejection of Claims 1-4 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.5,089,880 to Meyer et al. (hereinafter "Meyer") in view of U.S. Patent No.5,558,928 to DiStefano et al. (hereinafter "DiStefano"). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention. (MPEP §2143) Applicant respectfully traverses the rejection.

Amended claim 1 recites in pertinent part "*a first wafer having a first layer of bulk silicon, a first layer of active silicon disposed on the first layer of bulk silicon, a first layer of interconnects disposed on the first layer of active silicon, and a first metal pattern disposed on a top surface of the first layer of interconnects; a second wafer having a second layer of bulk silicon, a second layer of active silicon disposed on the second layer of bulk silicon, a second layer of interconnects disposed on the second layer of active silicon, and a second metal pattern disposed on a top surface of the second layer of interconnects, wherein the first wafer turned upside down; and an interposer disposed between the top surface of the first metal pattern and the top surface of the second metal pattern, the interposer having a pattern of metal vias disposed in a cured thermosetting plastic, the pattern of metal vias being aligned with and electrically coupled to the first metal pattern and the second metal pattern, wherein the first wafer is bonded to the second wafer face-to-face using the interposer*" (emphasis added). Support for these changes can be found in Applicant's Specification at paragraph [0015].

Applicant respectfully submits that neither Meyer and/or DiStefano either separately or in combination teach or suggest a first wafer turned upside down and bonded to a second wafer using an interposer. In fact, there is no motivation provided in Meyer and/or DiStefano either separately or in combination for turning one wafer upside down and bonding it to a second wafer using an interposer. Because neither Meyer and/or DiStefano either separately or in combination teach or suggest these elements of amended claim 1, Applicant respectfully submits that claim 1 is not obvious over Meyer in view of DiStefano. Because claim 1 is not obvious over Meyer in

view of DiStefano, Applicant respectfully submits that claim 1 is patentable over Meyer in view of DiStefano and respectfully requests that the Examiner reconsider and remove the rejection to claim 1.

Claims 2-4 properly depend from claim 1, which applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 2-4 are patentable as well. (See MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (If an independent claim is unobvious, then any claim depending from the independent claim is unobvious.)).

New Claims 30-31

By the foregoing Amendment, Applicant seeks to add new claims 30-31. Support for these changes can be found in Applicant's Specification at paragraph [0002].

CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Examiner: Rao, Shrinivas H.
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